

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
NORMA ROMERO

DEFENDANTS
WAL-MART STORES EAST, LP

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

FOULKE LAW FIRM
55 Main Street
Goshen, New York 10924, (845) 294-4308

ATTORNEYS (IF KNOWN)
BRODY, O'CONNOR & O'CONNOR, ESQS.
7 Bayview Avenue
Northport, New York 11768, (631) 261-7778

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C.A. §1332

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

CONTRACT		TORTS	ACTIONS UNDER STATUTES			
[] 110	INSURANCE	[] 310 AIRPLANE	PERSONAL INJURY	[] 367 HEALTHCARE/PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	FORFEITURE/PENALTY	BANKRUPTCY
[] 120	MARINE	[] 315 AIRPLANE PRODUCT LIABILITY		[] 625 DRUG RELATED SEIZURE OF PROPERTY	[] 422 APPEAL 28 USC 158	[] 375 FALSE CLAIMS [] 376 QUI TAM
[] 130	MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER		[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 423 WITHDRAWAL	[] 400 STATE REAPPORTIONMENT
[] 140	NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY		[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER	[] 410 ANTITRUST [] 430 BANKS & BANKING [] 450 COMMERCE [] 460 DEPORTATION
[] 150	RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE LIABILITY			PROPERTY RIGHTS	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 151	MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	PERSONAL PROPERTY	[] 820 COPYRIGHTS [] 830 PATENT	[] 880 DEFEND TRADE SECRETS ACT	[] 480 CONSUMER CREDIT [] 485 TELEPHONE CONSUMER PROTECTION ACT
[] 152	RECOVERY OF DEFALTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE PRODUCT LIABILITY		[] 370 OTHER FRAUD [] 371 TRUTH IN LENDING	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION [] 840 TRADEMARK	
[] 153	RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 360 OTHER PERSONAL INJURY		[] 380 OTHER PERSONAL PROPERTY DAMAGE	SOCIAL SECURITY	
		[] 362 PERSONAL INJURY - MED MALPRACTICE		[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	LABOR	[] 490 CABLE/SATELLITE TV [] 850 SECURITIES/COMMODITIES/EXCHANGE
[] 160	STOCKHOLDERS SUITS				[] 710 FAIR LABOR STANDARDS ACT [] 720 LABOR/MGMT RELATIONS	[] 861 HIA (1395ff) [] 862 BLACK LUNG (923) [] 863 DIWC/DIWV (405(g)) [] 864 SSID TITLE XVI [] 865 RSI (405(g))
[] 190	OTHER CONTRACT					[] 890 OTHER STATUTORY ACTIONS
[] 195	CONTRACT PRODUCT LIABILITY					[] 891 AGRICULTURAL ACTS [] 893 ENVIRONMENTAL MATTERS [] 895 FREEDOM OF INFORMATION ACT [] 896 ARBITRATION [] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 196	FRANCHISE	ACTIONS UNDER STATUTES	CIVIL RIGHTS	[] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	FEDERAL TAX SUITS	[] 950 CONSTITUTIONALITY OF STATE STATUTES
				[] 530 HABEAS CORPUS [] 535 DEATH PENALTY [] 540 MANDAMUS & OTHER	[] 790 OTHER LABOR LITIGATION [] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 870 TAXES (U.S. Plaintiff or Defendant) [] 871 IRS-THIRD PARTY 26 USC 7609
REAL PROPERTY					IMMIGRATION	
[] 210	LAND CONDEMNATION	[] 441 VOTING			[] 462 NATURALIZATION APPLICATION	
[] 220	FORECLOSURE	[] 442 EMPLOYMENT ACCOMMODATIONS			[] 465 OTHER IMMIGRATION ACTIONS	
[] 230	RENT LEASE & EJECTMENT	[] 443 HOUSING/ACCOMMODATIONS				
[] 240	TORTS TO LAND	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT		[] 550 CIVIL RIGHTS [] 555 PRISON CONDITION [] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT		
[] 245	TORT PRODUCT LIABILITY	[] 446 AMERICANS WITH DISABILITIES - OTHER				
[] 290	ALL OTHER REAL PROPERTY	[] 448 EDUCATION				

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$_____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|--|--|--|---|--|---|---|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| <input checked="" type="checkbox"/> a. all parties represented | | | | | | |
| <input type="checkbox"/> b. At least one party is pro se. | | | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) | | | |

(PLACE AN X IN ONE BOX ONLY)

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> 1 U.S. PLAINTIFF | <input type="checkbox"/> 2 U.S. DEFENDANT | <input type="checkbox"/> 3 FEDERAL QUESTION | <input checked="" type="checkbox"/> 4 DIVERSITY
(U.S. NOT A PARTY) |
|---|---|---|---|

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

11 Cliff Avenue, Yonkers, New York 10705 (Westchester County)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Wal-Mart Stores East, LP
Bentonville, Arkansas

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE


 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
 YES (DATE ADMITTED Mo. 05 Yr. 2004)
 Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

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